

### **Remarks**

Claims 34 and 37-39 are pending the application.

Claim 34 has been amended. Support for the claim amendment can be found throughout the application, including the claims as originally filed. Support for the amendment to claim 34 can found on page 6, lines 15-22, page 11, lines 19-28, and page 22, lines 8-9 of the specification. Importantly, no new matter has been added to the claims. The amendments to the claims should not be construed to be an acquiescence to any of the rejections. The amendments to the claims are being made solely to expedite the prosecution of the above-identified application. The Applicant reserves the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application. 35 USC § 120.

### **Response to Rejections under 35 U.S.C. 102(b)**

Claims 34 and 37-39 stand rejected under 35 U.S.C. 102(b) based on the Examiner's contention that they are anticipated by Richmond (U.S. Patent No. 2,190,733). The Applicants respectfully traverse this rejection.

Claims 34 and 37-39 as amended are not anticipated by Richmond because Richmond does not disclose a vinyl, acrylic, resin, elastomeric, wax, polyester, acrylate, polyurethane, latex, fluoropolymer, or silicone coating comprising a compound of structure 1.

In order to anticipate a claim, a single source must contain all of the elements of the claim. *See Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 750 F.2d 1569 (Fed. Cir. 1984).

Richmond discloses a surfactant in the form of an alkyl phenyl sulfate. See column 1, lines 1-23. As a surfactant it may modify the surface properties of an article and facilitate dispersions into mediums that would otherwise be difficult for the article to disperse in, but a surfactant is not a coating comprising a compound of formula 1, and nowhere does Richmond disclose a vinyl, acrylic, resin, elastomeric, wax, polyester, acrylate, polyurethane, latex, fluoropolymer, or silicone coating comprising a compound of structure 1.

The present claims as amended are drawn to a vinyl, acrylic, resin, elastomeric, wax, polyester, acrylate, polyurethane, latex, fluoropolymer, or silicone coating comprising a compound of structure 1. The inventors have surprisingly found that such a coating possesses anti-fouling properties. To support the versatility of such coatings and the range of coating materials presently claimed, the Applicants submit along with the Amendment and Response a Declaration under 37 C.F.R. § 1.132 by Dr. Randall Alberte. As indicated in the Declaration, many types of materials may be used to prepare the coatings of the present invention.

Because Richmond does not disclose a vinyl, acrylic, resin, elastomeric, wax, polyester, acrylate, polyurethane, latex, fluoropolymer, or silicone coating comprising a compound of structure 1, the Applicants submit that Richmond does not disclose each and every element of the claims as amended, and therefore does not anticipate claims 34 and 37-39.

Accordingly, the Applicants respectfully request the withdrawal of the 35 U.S.C. 102(b) rejection of claims 34 and 37-39.

#### **Fees**

The Applicants believe no fee is due in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, 06-1448.

**Conclusion**

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Agent would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,  
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